

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

FIRST FINANCIAL INVESTMENT)
FUND V., LLC. SUCCESSOR in)
INTEREST TO DEKALB MEDICAL)
CENTER, INC.)
Plaintiff,)

Vs.)

SELWYN JOHNSON)
Defendant)
)

CIVIL ACTION
FILE NO. 18A70172

STATEMENT NOTING A PARTY'S DEATH

According to O.C.G.A. § 9-11-25(a)(1), Defendant's attorney notes the death during the pendency of this action of Defendant Selwyn Johnson.

Respectfully submitted, this 27th day of December, 2019.

/s/Christopher J. Diwan

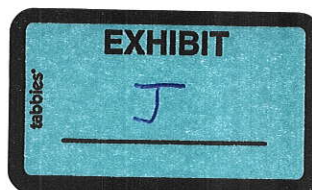
Christopher Diwan

Diwan Law, LLC.

Georgia State Bar No. 388699

Attorney for Defendant

2 Ravinia Drive, Suite 120
Atlanta, GA 30346
(404) 635-6883



CERTIFICATE OF SERVICE

On December 27, 2019, I filed this paper with the court's electronic-filing system, which will send a notice of electronic filing to:

Larry W. Johnson
1935 Cliff Valley Way, N.E., Suite 115
Atlanta, Ga, 30329
ljohnson@suretybondsagency.com

/S/Christopher J. Diwan
Christopher Diwan
Diwan Law, LLC.
Georgia State Bar No. 388699
Attorney for Defendant

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Atlanta, GA 30346
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IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

FIRST FINANCIAL INVESTMENT)
FUND V., LLC. SUCCESSOR in)
INTEREST TO DEKALB MEDICAL)
CENTER, INC.)

Plaintiff,)

v.)

SELWYN JOHNSON)
Defendant)

CIVIL ACTION
FILE NO. 18A70172

**MOTION TO STAY CASE
DUE TO THE DEATH OF DEFENDANT**

COMES NOW Attorney for deceased Defendant, and files this Motion to Stay Case Due to the Death of Defendant and states the following in support thereof:

On or about December 10, 2019, Defendant died at the University of Alabama Birmingham Hospital in Birmingham, Alabama. [A death certificate has not issued yet.]

The Defendant's attorney filed the Suggestion of Death with this Court on December 27, 2019.

Plaintiff's Motion for Attorney's Fees is all that remains in this case and is set to be argued on January 6, 2019.

Since only the Defendant's estate executor or administrator has standing, pursuant to OCGA § 9-11-25(a)(1), the case should be stayed until the proper property is substituted into the case. *Schlamp v. McMahon*, 305 Ga.App. 312, 699 S.E.2d 758 (Ga. App. 2010). *Lizarazo*

v. Miami-Dade Corr. & Rehab. Dep't, 878 F.3d 1008 (11th Cir. 2017),
Dumas v. Riverview Health & Rehab. Ctr. (S.D. Ga. 2012).

CONCLUSION

For the above-stated reasons, deceased Defendant's Motion should be Granted.

Respectfully submitted, this 3rd day of January 2020.

/s/Christopher J. Diwan
Christopher Diwan
Diwan Law, LLC.
Georgia State Bar No. 388699
Attorney for Defendant

2 Ravinia Drive, Suite 120
Atlanta, GA 30346
(404) 635-6883

STATE COURT OF
DEKALB COUNTY, GA.
1/3/2020 11:32 AM
E-FILED
BY: Kelly Flack

CERTIFICATE OF SERVICE

On January 3, 2020, I filed this paper with the court's electronic-filing system, which will send a notice of electronic filing to:

Larry W. Johnson
1935 Cliff Valley Way, N.E., Suite 115
Atlanta, Ga, 30329
ljohnson@suretybondsagency.com

/S/Christopher J. Diwan
Christopher Diwan
Diwan Law, LLC.
Georgia State Bar No. 388699
Attorney for Defendant

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Atlanta, GA 30346
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THE FRONT OF THIS DOCUMENT IS PINK - THE BACK OF THIS DOCUMENT IS BLUE AND HAS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

ALABAMA

Center for Health Statistics

ALABAMA CERTIFICATE OF DEATH

State
Number

101 2019-52148

1. DECEASED LEGAL NAME Selwyn O. Johnson		3. DATE AND TIME OF DEATH Dec 10, 2019 1821	
2. ALIAS NAME (FNU) None Given		4. DATE AND TIME PRONOUNCED DEAD	
5. COUNTY OF DEATH Jefferson	6. CITY, TOWN OR LOCATION OF DEATH AND ZIP CODE Birmingham, 35233	7. PLACE OF DEATH University of Alabama Hospital	
8. SEX Male	9. LAST NAME PRIOR TO FIRST MARRIAGE	10. SERVED IN ARMED FORCES No	
11. AGE 62	12. DATE OF BIRTH [REDACTED] 1957	13. BIRTHPLACE (State or Foreign Country) England	14. SOCIAL SECURITY NUMBER [REDACTED] 0979
15. MARITAL STATUS Married	16. SURVIVING SPOUSE NAME PRIOR TO FIRST MARRIAGE Darlene Morris	17. RESIDENCE STATE Georgia	
18. RESIDENCE COUNTY DeKalb	19. CITY, TOWN OR LOCATION AND ZIP CODE Stone Mountain, 30083	20. STREET ADDRESS 785 Lagoon Court	
21. INFORMANT NAME, RELATIONSHIP AND ADDRESS Darlene Johnson, Wife, 785 Lagoon Court, Stone Mountain, GA 30083			
22. FATHER/PARENT NAME PRIOR TO FIRST MARRIAGE Clarence Johnson		23. MOTHER/PARENT NAME PRIOR TO FIRST MARRIAGE Vera Johnson	
24. DISPOSITION OF BODY Burial	25. CEMETERY OR CREMATORY Melwood Cemetery	26. LOCATION Stone Mountain, Georgia	
27. DATE OF DISPOSITION Jan 7, 2020	28. FUNERAL DIRECTOR Latoria Janac Williams	29. LICENSE NUMBER	30. DATE SIGNED Jan 10, 2020
31. FUNERAL HOME NAME AND ADDRESS Davenport-Harris Funeral Home, 301 Martin Luther King Dr SW, Birmingham, AL 35211		32. LICENSE NUMBER	
33. MEDICAL CERTIFICATION: Certifying Physician			
34. NAME Charles Hoopes MD		35. LICENSE NUMBER 33948	36. DATE SIGNED Dec 19, 2019
37. ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH 1900 University Blvd, Birmingham, Alabama 35201			
38. REGISTRAR Nicole Henderson Rushing		39. DATE FILED Jan 13, 2020	

CAUSE OF DEATH

40. PART I: DISEASES, INJURIES OR COMPLICATIONS THAT CAUSED DEATH		INTERVAL	
IMMEDIATE CAUSE UNDERLYING CAUSE	A. Cardiac shock DUE TO (OR AS A CONSEQUENCE OF)	minutes	
	B. amyloidosis DUE TO (OR AS A CONSEQUENCE OF)	years	
	C. DUE TO (OR AS A CONSEQUENCE OF)		
	D. DUE TO (OR AS A CONSEQUENCE OF)		
41. PART II: OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH			
42. MANNER OF DEATH Natural Causes	43. PREGNANT (IF FEMALE)	44. AUTOPSY No	45. FINDINGS CONSIDERED No
46. TOXICOLOGY No	47. FINDINGS CONSIDERED No	48. TOBACCO USE CONTRIBUTED TO DEATH No	
49. HOW INJURY OCCURRED			
50. DATE AND TIME OF INJURY	51. INJURY AT WORK	52. IF TRANSPORTATION INJURY, SPECIFY	
53. PLACE OF INJURY	54. LOCATION OF INJURY		

ADPH HS E2/REV 01-16

This is an official certified copy of the original record filed in the Center of Health Statistics, Alabama Department of Public Health, Montgomery, Alabama. 2020-114-553-3

STATE COURT OF
DEKALB COUNTY, GA
1/23/2020 10:39 AM
E-FILED

January 13, 2020

Nicole Henderson Rushing
BY Monique Roberts State Registrar of Vital Statistics